Code for Self-Regulation of information on sports: “Media and Sports Code”

PREAMBLE
Signatotory television and radio broadcasters and content suppliers and members of signatory associations, the Order of Journalists, the National Federation of the Italian Press, the Italian Sport Press Trade Union, the Italian Federation of Newspaper Publishers, hereinafter called “parties”;

considered the frequent serious crimes, sometimes with tragic outcomes that have taken place during sport events, especially football matches, against the physical integrity and the dignity of people, as well as against public and private property;

having regard that these acts of violence and vandalism have led to the indignation and alarm of citizens, making the Government and Parliament implement stricter measures regarding public order during sport events;

having noticed that these episodes of violence often involve young people and minors;

considering that it is necessary to ensure, in accordance with the present Code, that sport information, through the different means of mass communication, should not include any message inciting or legitimising violations of the law;

considering that it is necessary to contribute to the spreading of the positive values of sport, which, as set out in Codes and International Declarations, place professional sport at the service of a correct and pacific development of human relationships;

in sharing the principles of the Community Directive “Television without frontiers” and its revision in relation to the need that audio-visual media services do not contain any incitement to hate;

in sharing the prohibition of programmes that contain messages of incitement to hate or that lead to attitudes of intolerance as foreseen in the Radio and Television Consolidated Act (Testo Unico della Radiotelevisione);

in sharing the rulings of the Authority for the guarantee of communications on the relationship between information and respect of the fundamental rights of the person;

being aware of the role that mass communication, both thorough traditional means and new media, and considering the impact of their messages, can help condemn in the eyes of public opinion, violence connected to sport events, in particular football matches;

being aware of the rights of journalists to access the widest range of sport information that cannot be put under undue restrictions incompatible with the right to short news reports;

in the wake of an independent tradition of self-discipline that, starting from the Code of Treviso and the Charter of duties-rights of the journalist, has consolidated in time the necessary balance of the duty-right of information with the other rights constitutionally guaranteed, amongst which those relative to the personal safety of citizens and the protection of minors;

considering that the incitement to violations of the law, as well as the recourse to threats and to insults are in any case in contrast with the public role of the means of information as formulated by the legislation in force and by its jurisprudential interpretations;

after a long debate within the “Commission for the elaboration of the Code for self-regulation of
programmes commenting on sport events”, set up according to the decree of the Minister of Communication and the Minister for youth policies and sport activities of 17th May 2007 in order to implement what foreseen by article 34, comma 6 bis of the legislative decree n. 177/2005 and modified by law n. 41/2007;

having heard the relevant association and institutional actors, such as the Football Association (Lega Calcio) and the national Observatory of sport events set up by the Minister of the Interior with the decree of the 1st December 2005 in order to contrast the phenomena of violence during sport competitions;

having regard to the need for the Parliament and the Government to harmonise the present legal and regulatory frame for the different media in relation to public order and the right to short reports in sport events;

ADOPT

the present Code of self-regulation hereafter called “Media and Sports Code”

Article 1
(General principles)
1. for the purpose of the present Code, sport information includes news, commentaries, television and radio debates with guests in or outside the studio, sport events in general and football matches in particular, which are conveyed by different media to a number of viewers/clients.
2. In spreading sport information, also when outside news headings, the parties ensure in all cases the respect of the principles of legality, of correctness and the respect of others’ dignity, within the diversity of the respective opinions.
3. Without prejudice of what foreseen in article 2, the parties commit themselves to avoid any form of incitement or legitimisation of behaviour that is against the law.
4. The duties deriving from legislation on press, on radio and television broadcasting and from the Order of Journalists remain unchanged and are confirmed.

Article 2
(the right to sport information)
1. the commentary of sport events must be exercised on different media always respecting the dignity of others, of individuals and associations involved, with a clear distinction between facts and personal opinions.
2. The parties commit themselves in any case to avoid the recourse to threatening or insulting expressions towards single individuals or groups of people such as, for example, athletes, teams, rivalling fans, referees, journalists, the police force, organisers of sport events, ethnic groups, religious confessions.
3. The parties ensure a correct information relative to the crimes committed during sport events, having considered their social relevance.
4. Within the full respect of its editorial independence, the parties are committed to stigmatise any harmful behaviour to the physical integrity of persons, of their dignity and public and private property that has taken place during a sport event.
5. Having taken note that the images are an essential part of sport information, in case of use of recorded images and expressions that are particularly strong and upsetting, it will be the responsibility of the presenter or commentator to notify the viewers that the sequences are not suitable to a young public.

Article 3
(management of television and radio programmes)
1. television broadcasters and content suppliers ensure that the presenters of sport
programmes have knowledge of the present Code, the rules mentioned above as well as those of each sport discipline addressed in their programmes.

2. In case of violation of the rules of the present Code, by anyone during radio or television programmes dealing with the information and commentary of sports live, including guests, members of the public, telephone speakers or via Internet, the presenter must immediately disassociate the broadcaster and the content supplier from the incident and make recourse to the necessary means – such as calling a break in the programme, or suspending the link, or the removing the person responsible – in order to bring the programme back within the tracks of correctness.

3. In case of recorded programmes, broadcasters and content suppliers are committed to proceed with the preventive control of the content of the programmes, removing episodes that constitute violations of the present Code.

4. Broadcasters and content suppliers are in any case committed, in case of violation of the Code, to acknowledge in the first news edition following the programme where the violation occurred, or in any other programme by the same broadcaster, a message in which the publisher and the broadcaster and the content supplier disassociate themselves from the incident expressing their disapproval.

5. Broadcasters and content suppliers maintain the right to evaluate the suitability of the individuals who were held responsible of the violation of the rules of the present Code to take part in any other programme of information or sport commentary, having considered the gravity and any eventual repetition of the violation as well as the behaviour of the interested party following the violation.

6. Broadcasters and content suppliers are committed to implementing - having regard to what foreseen by the Code on the treatment of personal data - measures to identify the individuals that connect themselves to programmes by telephone, in audio, or audio-video.

Article 4
(promotion of the values of sport)

1. with particular attention to young people and minors and as a contribution to their cultural, civil and social enhancement, the parties are committed to spread the positive values of sport and the spirit of loyalty connected to these values in the specific sport events, also through the use of training campaigns agreed upon and put into practice with local and national institutions.

Article 5
(supervision)

1. the control of the respect of the present Code has been entrusted to the Authority for the guarantee of communication. Any violation regarding journalists is reported by the Authority to the relevant Professional Order.

Article 6
(penalties and commitments)

1. in case of violation of the present Code by the individuals mentioned in article 34, comma 3 of the Radio and Television Consolidated Act the sanctions mentioned in article 35, comma 4 bis of the same Act are applied.

2. Public administrations responsible for incentives to the radio and television sectors are are informed of the sanctions.

3. The CONI, the Sport Federations, the Associations and the Sport Press Trade Union are informed of the sanctions so they can take measures if needed in relation to access to the stadiums.

4. For local television companies and local radio stations the agreement to the present Code constitutes an admission requirement to the incentives foreseen by article 45, comma 3 of
law of the 23rd December 1998, n. 448 as later modified and integrated.
5. For journalists eventually involved the sanctions are those decided by the Professional Order